IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	**MAIL STOP AF**
Takeshi Morikawa et al.	Group Art Unit: 2625
Application No.: 10/730,110	Examiner: Mark R. Milia
Filed: December 9, 2003	Confirmation No.: 5434
For: DATA PROCESSING APPARATUS AND DATA PROCESSING METHOD	

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Reconsideration and allowance of this application are respectfully requested. Claims 1, 3, 4, 6, 8, 9, 11, 13, 14, and 16 remain pending.

In numbered paragraph 4 on page 4 of the Office Action, claims 1, 3, 4, 6, 8, 9, 11, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over *Salgado* (U.S. Patent No. 6,504,621) in view of *Mishima* (Japanese Patent Document No. 11-041429) as cited in the Information Disclosure Statement filed October 28, 2005. Applicants respectfully traverse this rejection.

As is inherent in Applicants' claims, the compressing/expanding devices are shared among the different types of jobs. Particularly, claim 1 recites the following:

> A data processing apparatus, comprising:
> an image reader for reading an original; a receiver capable of receiving an external job transmitted from an outside;
> a transmitter capable of transmitting image data of the original read by said image reader as a scanning job to an outside;
> a print device for printing data of the external job received by said receiver; one or a plurality of compressing/expanding devices for compressing the image data of the scanning job or the data of the external job and expanding the compressed data;
> an operation device for instructing an activation of the scanning job in accordance with an operation of a user; and

> a controller that discriminates whether an activation instruction of the scanning job is made by said operation device or from an outside in cases where a request for processing the image data of the scanning job by said one or a plurality of compressing/expanding devices is made when the data of the external job is being compressed or expanded by said one or a plurality of compressing/expanding devices, and controls execution of the external job and the scanning job by said one or a plurality of compressing/expanding devices depending on a discrimination result,
>
> wherein said controller makes said one or a plurality of compressing/expanding devices execute processing of the external job and that of the scanning job in parallel when it is discriminated that the activation instruction of the scanning job is made by said operation device, and said controller makes said one or a plurality of compressing/expanding devices execute processing of the scanning job after a completion of the processing of the external job when it is discriminated that the activation instruction of the scanning job is made from outside.

Similarly, claim 11 recites:

> A data processing apparatus, comprising:
>
> an image reader for reading an original;
>
> a receiver capable of receiving an external job transmitted from an outside;
>
> a transmitter capable of transmitting an image data of the original read by said image reader as a scanning job to an outside;
>
> a compressing/expanding device for compressing data and expanding the compressed data;
>
> an operation device for instructing an activation of the scanning job in accordance with an operation of a user; and
>
> a controller that discriminates whether the activation instruction of the scanning job is made by said operation device or from an outside in cases where a request for processing the image data of the scanning job by said compressing/expanding device is made when data of the external job is currently being compressed or expanded by said compressing/expanding device, and controls execution of the external job and that of the scanning job by said compressing/expanding device depending on a discrimination result,
>
> wherein said controller makes said one or a plurality of compressing/expanding devices execute processing of the external job and that of the scanning job in parallel when it is discriminated that the activation instruction of the scanning job is made by said operation device, and said controller makes said one or a plurality of compressing/expanding devices execute processing of the scanning job after a completion of the processing of the external job when it is discriminated that the activation instruction of the scanning job is made from outside.

Salgado discloses an embodiment in which a priority-based management scheme can be used where the job of one service (i.e., copy, print, scan, fax) can interrupt the job of another service. With respect to the sharing of resources, *Salgado* discloses the following:

> 1) The SA/KO specifies the relative priority of each job (See Table 1 above) developed by a service (e.g. the priority of a "Remote File" (FIG. 8) is relatively high since it can interrupt the processing of six other job types);
>
> 2) The SA/KO specifies the interruptability matrix for the jobs (e.g. copy job can interrupt a print job);
>
> 3) When a job is created within the printing system **10** (FIG. **1**), the job is assigned a priority based on service type;
>
> 4) Each system resource maintains a queue of jobs for the resource (in one example, the jobs in each queue are ordered according to job priority);
>
> 5) When a system resource is ready to process a job, the resource processes the job with the highest priority in its queue;
>
> 6) If a resource is processing a job and a new job requires the resource then
>
> if (the new job's priority is greater than the current job's priority) and (the current job is not an "interrupt" job) then
>
> if (the new job's service can interrupt the current job's service)
>
> then (the new job interrupts the current job)
>
> else (add the new job to the resource's job queue)
>
> else (add the new job to the resource's job queue); and
>
> If the resource has an interrupted job and the resource completes processing all higher priority interrupting jobs, the resource resumes the proceeding of interrupted jobs. *See* Salgado, col. 16, line 34 - col. 17, line 6.

Based on the above, one of ordinary skill would understand that when a resource is shared among the plural jobs, each job is given a priority, such that no two jobs of different type can be operated in parallel.

As discussed in a previous response, *Mishima* discloses the use of plural compression/expansion processors is set based on the input data and the number of compression/expansion processors used is determined by a mode of operation (i.e., copy, print, scan, fax). See Mishima, Abstract. In other words, the plural compression/expansion processors are used in the processing of a single type of job, and preferably a print job. As discussed in col. 5, lines 55-65, operation of the compression/expansion processors are adjusted to complete **a job** having M copies of N documents.

On page 3 of the Office Action, the PTO concedes that *Mishima* discloses the use of plural compression/elongation processing sections for a single job, and argues that because the job may contain multiple pages two processing sections can

be used for compression and two can be used for expansion. While not acquiescing to this position, assuming *arguendo* that this interpretation is accurate, this feature still does not remedy the deficiencies of *Salgado*. Namely, because *Salgado* prioritizes the processing of jobs based on type, Applicants respectfully submit that even when combined with *Mishima* the result is merely a system that uses plural compression/expansion devices to process a single print job. There is no teaching or suggestion within the four corners of the applied references or within the knowledge possessed by one of ordinary skill, that given the combination as alleged attains the combination of features recited in Applicants' claims.

In summary, *Salgado* and *Mishima* when applied individually or collectively fail to disclose or suggest every feature and/or the combination of features recited in Applicants claims. For at least these reasons, a *prima facie* case of obviousness has not been established.

The Office is reminded that the Office has the initial burden of establishing a **factual basis** to support the legal conclusion of obviousness. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). For rejections under 35 U.S.C. § 103(a) based upon a combination of prior art elements, in KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), the Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some **articulated reasoning with some rational underpinning** to support the legal conclusion of obviousness." In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (emphasis added). Based the above discussion, withdrawal of this rejection is respectfully requested.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1, 3, 4, 6, 8, 9, 11, 13, 14, and 16 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination

and consideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 14, 2009

By: /Shawn B. Cage/
Shawn B. Cage
Registration No. 51522

Customer No. 21839
703 836 6620